

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

He et al.

Serial No.:

10/623,821

Filed:

July 21, 2003

For:

ELECTRODE FOR IMPLANT IN LIVE TISSUE WITH FLEXIBLE REGION TO ACCOMMODATE MICROMOVEMENT Art Unit:

3762

Examiner:

Unassigned

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. § 1.97

Commissioner for Patents U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313

Dear Sir:

Applicant hereby brings to the attention of the Examiner the documents noted on the accompanying Form PTO-1449. This Information Disclosure Statement is being filed prior to the mailing date of a first Office Action.

Please note the information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in co-pending foreign application PCT/US03/22539 not more than three months prior to the filing of this statement. Specifically, the information was cited in an International Search Report (ISR) mailed November 25, 2003. A copy of the ISR is provided.

It is respectfully requested that the information cited herein be expressly considered during the prosecution of this application and made of record on any patent to issue therefrom.

He et al.

USSN: 10/623,896

Supplemental Information Disclosure Statement

No fee is believed due with this mailing. The Commissioner is hereby authorized to charge any cost that may be due to Deposit Account No. 17-0055.

Respectfully submitted,

QUARLES & BRADY STREICH LANG, LLP

Dated: December 16, 2003

Robert D. Atkins Reg. No. 34,288

Attorney Docket No. 130588.00045

Address all correspondence to:

Robert D. Atkins

Robert D. Atkins Quarles & Brady Streich Lang LLP One Renaissance Square Two North Central Avenue Phoenix, AZ 85004

Telephone: 602-229-5311 Facsimile: 602-229-5361 Email: ratkins@quarles.com DEC 1 6 2003 6

Sheet

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Attorney Docket Number 130588.00045

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Complete if Known

Application Number 10/623,821

Filing Date July 21, 2003

First Named Inventor Jiping He

Art Unit 3762

Examiner Name

	U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (# known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevan Figures Appear	
	Α	<sup>US-</sup> 2001/0027336 A1	10/04/01	Gielen et al.		
	В	<sup>US-</sup> 2001/0037061 A1	11/01/01	Eckmiller et al.		
	С	<sup>US-</sup> 5,720,099	02/24/98	Parker et al.		
	D	<sup>US-</sup> 6.038.480	03/14/00	Hrdlicka et al.		
	E	<sup>US-</sup> 6,263,225	07/17/01	Howard, III		
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
	İ	US-				
		US-				
		US-				
		US-				
		US-				
		US-				
-		US-				

Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	T
micaio	1,10.	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY		Or Relevant Figures Appear	T <sup>6</sup>
	F	WO 01/72201 A2	10/04/01	Arizona Board of Regents		
	ļ					╀
	<u> </u>					╁
	<del>                                     </del>					T
	<b>†</b> —		_			

Examiner	<del></del>	Date	
Signature		Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

OIPE
DEC 1 6 2002 2
DEC 1 6 2003 6
TRADEMARY ST.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO		Complete if Known			
Substitute for form 1443/FTO	Applicati n Numb r	10/623,821			
INFORMATION DISCLO	SURE Filing Dat	July 21, 2003	•		
STATEMENT BY APPLI	First Named Inventor	Jiping He			
(the communicate or measure)	Art Unit	3762			
(Use as many sheets as necessary)	Examiner Name				
Sheet 2 of 2	Attorney Docket Number	130588.00045			

		OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	G	International Search Report in co-pending application PCT/US03/22539	
		•	
:			
- "			
	<u></u>		
	7		

Examiner	Date		
Signature	Considered	_	

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12-18-3



I hereby certify that this correspondence listed below is being deposited with the United States Postal Service on the date set forth below as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Signature

and Deposit: December 16, 2003

(Signature of person depositing mail)

Examiner:

Art Unit:

MARITZA O'NEILL

Unknown

3762

## **CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. 1.10**

Applicant:

He et al.

Serial No.:

10/623,821

Filed:

July 21, 2003

For:

ELECTRODE FOR IMPLANT IN LIVE TISSUE WITH FLEXIBLE REGION TO

ACCOMMODATE MICROMOVEMENT

Attorney Docket No.: 130588.00045

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## Type of Filing:

- 1) Supplemental Information Disclosure Statement
- 2) Form PTO-1449 (2 pages)
- 3) Cited References (7)
- 4) Copy of International Search Report
- 5) Return postcard